**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8304 OF 2006**

Kamaladevi Prabhudayal
Khandelwal & Anr. .. Petitioners.

vs.

State of Maharashtra
& Ors. . .. Respondents.

Mr. G.S. Bodbole for petitioners.
Ms. V.S. Mhaispurkar, AGP., for State.

**CORAM : A.P. DESHPANDE, J.**

**DATE : 20th December, 2006.**

P.C.

. The petitioner challenges an order passed by the Commissioner of Police dated 6.12.2006. Initially one more order was challenged and the same was an order passed by the Collector, Pune at Exhibit F to the petition. The learned counsel for the petitioners submits that the order at Exhibit F has been withdrawn by the Collector and hence challenge to the same is not pressed in service.

2. By the impugned order dated 6.12.2006 the petitioner no.1’s licence has been suspended for a

period of 15 days. The learned counsel for the petitioner submits that the action of suspension is wholly based on pending criminal cases and the same is impermissible in law. Per contra, the learned AGP., raises a preliminary objection for entertaining the present petition by contending that the order impugned in this petition passed by the Commissioner of Police dated 6.12.2006 is an appealable order and hence the petitioner should file an appeal under section 33 of the Bombay Police Act read with rule 32 of the Rules. As there is a statutory alternative remedy, I decline to entertain the writ petition. However, so as to enable the petitioner to approach the appellate forum, the impugned order dated 6.12.2006 shall remain stayed for a period of four weeks from today.

3. The writ petition is disposed of accordingly. It is made clear that it shall be open for the petitioner to apply for appropriate interim relief in the appeal that he proposes to file before the appellate authority.

**(A.P. Deshpande, J.)**